

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WILDEARTH GUARDIANS,

Plaintiff,

v.

No. 1:19-cv-00505 RB-SCY

DAVID BERNHARDT, *et al.*,

Defendants,

and

**AMERICAN PETROLEUM INSTITUTE,
and WESTERN ENERGY ALLIANCE,**

Intervenor- Defendants.

ORDER

This matter is before the Court on the Motion for Clarification (Doc. 44) filed on September 16, 2020. Defendants seek clarification of the Court’s August 18, 2020 Memorandum Opinion and Order. (*See* Doc. 43.) The Court finds that certain language was improvidently included and will issue, concurrently with this Order, an Amended Memorandum Opinion and Order. In the Amended Memorandum Opinion and Order, the Court will make clear its intent to deny Guardians’ request to enjoin subsequent leases or further development, but it will urge BLM to alter the language regarding public participation as described in the August 18 Opinion. (*See id.* at 46–47.)

In response to Defendants’ motion to clarify, Plaintiff asks the Court to amend its order and grant in part their request for declaratory relief as to IM 2018-034. (*See* Doc. 45 at 2.) Plaintiff’s request is denied. The Federal Rules state that “[a] request for a court order must be made by motion.” Fed. R. Civ. P. 7(b)(1). Plaintiff’s response to Defendant’s Motion for

Clarification is an inappropriate vehicle to request additional relief. Moreover, the Court finds no basis to grant relief outside of urging BLM to revise the language, as it concluded in its original order.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert Brack", is written over a horizontal line.

ROBERT C. BRACK
SENIOR UNITED STATES DISTRICT JUDGE